

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG DIVISION

JOSHUA SHEPHERD,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-cv-78 (Groh)
(Removed from the Circuit Court of
Jefferson County, West Virginia)

Electronically filed July 8, 2013

LITTLE GIANT ENTERPRISES, LLC
HOLLIS WORMSBY, JR.,
SIDNEY WORMSBY,
GREGORY WORMSBY, and
CHERYL R. WORMSBY,

Defendants.

JOINT NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that all of the above-named Defendants, appearing by their legal counsel Tracey A. Rohrbaugh and Brian M. Peterson, hereby jointly remove to this Court the state court action described below:

1. On June 3, 2013, an action was commenced in the Circuit Court of Jefferson County, West Virginia, styled *Joshua Shepherd v. Little Giant Enterprises, LLC, et al.*, Civil Action No. 13-C-187.

2. On June 7, 2013, the West Virginia Secretary of State was served with a summons and copy of the complaint on behalf of Defendants Little Giant Enterprises, LLC, Hollis Wormsby, Jr., Sidney Wormsby, and Gregory Wormsby. Defendant Cheryl Wormsby has not yet been served. This Joint Notice is therefore timely.

3. A copy of all process, pleadings, and orders served upon Defendants in the state court action are attached hereto as Exhibit "A."

4. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a), and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(a) in that:

A. Plaintiff is a citizen of Jefferson County, West Virginia;

B. Defendant Little Giant Enterprises, LLC is an Alabama limited liability company headquartered in Birmingham, Alabama;

C. Defendant Hollis Wormsby, Jr. is a citizen of Birmingham, Alabama;

D. Defendant Sidney Wormsby is a citizen of Brooklyn, New York;

E. Defendant Gregory Wormsby is a citizen of Norcross, Georgia;

F. Defendant Cheryl R. Wormsby is a citizen of Alabama.

G. The amount in controversy requirement of \$75,000 is satisfied in this case because the Plaintiff has claimed that Defendants caused him to suffer "first-, second-, and third-degree burns on 12% of his body," "immense pain" and "permanent" scarring and discoloration of his skin. Although the Complaint contains a demand for compensatory damages, punitive damages, interest, costs and attorney fees, no specific monetary amount has been demanded. However, Plaintiff's counsel made a pre-suit settlement demand in excess of one million dollars.

5. Written notice of the filing of this Notice of Removal has been served on Plaintiff.

6. A copy of this Notice of Removal has been filed with the Clerk of the Circuit Court of Jefferson County, West Virginia.

WHEREFORE, Defendants pray that this action be removed to the United States District Court for the Northern District of West Virginia.

DATED: Monday, July 8, 2013.

LITTLE GIANT ENTERPRISES, LLC
HOLLIS WORMSBY, JR.,
SIDNEY WORMSBY,
GREGORY WORMSBY, and
CHERYL R. WORMSBY
Defendants, by Counsel



Tracey A. Rohrbaugh, W.Va. Bar # 6662
Brian M. Peterson, W.Va. Bar # 7770
Bowles Rice LLP
Post Office Drawer 1419
Martinsburg, WV 25402-1419
(304) 263-0836

CERTIFICATE OF SERVICE

I, Brian M. Peterson, hereby certify that a true and exact copy of the foregoing **NOTICE OF REMOVAL** has been served by United States mail, postage prepaid, on the following:

Peter A. Pentony, Esq.
202 West Liberty St.
PO Box 597
Charles Town, WV 25414

Hon. Laura E. Storm, Clerk
Circuit Court of Jefferson County, West Virginia
P.O. Box 1234
Charles Town, WV 25414

this 8th day of July, 2013.



Brian M. Peterson

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JOSHUA SHEPHERD,

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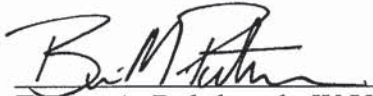
TO PLAINTIFF: Joshua Shepherd
c/o Peter A. Pentony, Esq.
202 West Liberty St.
PO Box 597
Charles Town, WV 25414

PLEASE TAKE NOTICE THAT a Joint Notice of Removal of this action was filed in the United States District Court for the Northern District of West Virginia on July 8, 2013. A copy of the said Notice of Removal is attached to this Notice, and is served and filed herewith.

DATED: Monday, July 8, 2013.

LITTLE GIANT ENTERPRISES, LLC
HOLLIS WORMSBY, JR.,
SIDNEY WORMSBY,
GREGORY WORMSBY, and
CHERYL R. WORMSBY

Defendants, by Counsel



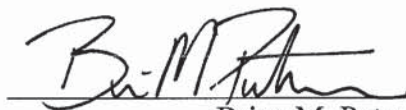
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Charles Town, WV 25414

this 8th day of July, 2013.



Brian M. Peterson